

REMARKS

The instant Reply is responsive to a current and final Office Action dated (mailed) 04/07/2005. Claims 1-33 were examined, and claims 1-33 were rejected.

The instant Reply neither cancels nor amends any of claims 1-33. However, new claims 34-39 are being added. Hence, after entry of the instant Reply, this Application now presents claims 1-39 for examination.

In the current Office Action, claims 1-33 were rejected as follows:

Claims 1-4, 6-8, 12, 13, and 33 were "rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al. (6,691,173)."

Claim 5 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Morris as applied to claims 1, 3, 4 above, and further in view of Briancon (6,640,222)."

Claims 9-11, 14, and 16-32 were "rejected under 35 U.S.C. 103(a) as being unpatentable over Morris as applied to claims 1 and 8 above, and further in view of Hild et al. (6,532,368)."

Claim 15 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Morris as applied to claim 1 above, and further in view of Davies et al. (6,664,891)."

1 I. The current Office Action fails to institute a clear, adequate rejection
2 under the applicable facts and law.

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4 The current Office Action reads in the "Response to Arguments" section on
5 page 10, at paragraph number 37,

6 Applicant claims that Morris does not expressly disclose newly added
7 citation in which the first mobile device may transmit to the second mobile device
8 even after the third device moves away. (That is, the first device performs some
9 buffering so that the third device can move away.) Morris teaches messaging i.e.
10 from third device S7 to fourth device S3 through first and second devices M1 and
11 M2 and, in this case, through a device S4 which acts as a temporary bridge (col. 4,
12 lines 20-25), in which some or all of the devices are mobile to one another (col. 3,
13 lines 30-32). If the mobile device S7 starts moving away from M1, it sends a
14 message to other nodes, at which point M1 will transmit S7's message to M2 after
15 S7 moves out of range (col. 5, line 20 – col. 6, line 10). Thus, this limitation is
16 fulfilled.

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18 Firstly, it is respectfully submitted that the first sentence as quoted above
19 mischaracterizes an element that was added to, for example, claim 1 in the previous
20 Reply. The mischaracterization from the Office Action implies that the element
21 focuses on the location and/or movement of a device. The actual newly-added
22 element focuses on the existence or absence of one or more instantaneous networks.
23 In fact, the newly-added element of claim 1 reads: **wherein the first mobile device**
24 **is not part of the at least one instantaneous network previously established**
25 **between the first mobile device and the one or more third devices during the**
 establishing and the sending.

1 Secondly, claim 1 recites a **first mobile device**, a **second mobile device**, and
2 **one or more third devices**. The portion of the Office Action as quoted above, on
3 the other hand, draws correspondences to items of Morris et al. as follows. M1 is
4 identified as a first device, and M2 is identified as a second device. S7 is identified
5 as a third device, and S3 is identified as a fourth device. S4 is identified as a
6 "temporary bridge". Even assuming, *arguendo*, the accuracy of these
7 correspondences as asserted in the Office Action, it is unclear how they can serve to
8 support an anticipation (or obviousness) rejection based on the technical facts alone,
9 much less under the entirety of the applicable facts and law. More specifically, it is
10 respectfully submitted that no clear correspondence has been asserted in the Office
11 Action between the elements of, for example, claim 1 and the description of Morris
12 et al.

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1 II. The disclosure of Morris et al. requires that networks of and the
2 network connections between and among all nodes that are to send, receive, buffer,
3 and/or forward a communication exist when the message is initiated.

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5 Morris et al. is directed to "Distributed management of an extended network
6 containing short-range wireless links". With reference also to Fig. 1 of Morris et al.,
7 Morris et al. reads at column 3, lines 40-48:

8 slave node S4 is a member of both the first and second piconets 10 and 20,
9 and facilitates internetworking therebetween. In this regard internetworking refers to
10 the communication between the first and second piconets 10 and 20 facilitated by
11 the distributed network management system of the present invention. The slave
12 node S4, or "internetworking node", understands the protocols of both the first and
13 second piconets 10 and 20, and is capable of transparently relaying data traffic
14 therebetween.

15 However, slave node S4 only functions in this regard when *both* first piconet
16 10 and second piconet 20 are currently in effect *and* slave node S4 is currently
17 participating in *both* piconets.

18 There is neither description nor suggestion in Morris et al. that enables slave
19 node S4 to receive a communication for an unknown node of an unknown piconet,
20 buffer the communication, establish the previously-unknown piconet, and forward
21 the buffered communication to the previously-unknown node.

22 Instead, Morris et al. necessarily requires that all nodes participating in a
23 given communication be part of all (e.g., both) piconets at least when the given
24 communication is initiated.

1 New independent claim 34 is reproduced in part below with additional
2 alphabetical indicators. The alphabetical indicators are included for explanatory
3 purposes only and do not imply any particular relationship, order, etc. For claim 34,
4 the **intermediary mobile device is configured to enable it to perform actions**
5 **comprising:**

6 **[A] establishing a first instantaneous network including at**
7 **least the intermediary mobile device and a second mobile device;**

8 **[B] receiving information at the intermediary mobile device**
9 **from the second mobile device via the first instantaneous network;**

10 **[C] storing the information at the intermediary mobile**
11 **device;**

12 **[D] terminating the first instantaneous network at least**
13 **with respect to the second mobile device;**

14 **[E] establishing, after the terminating action, a second**
15 **instantaneous network including at least the intermediary mobile**
16 **device and a third mobile device; and,**

17 **[F] sending, after the establishing action, the information**
18 **from the intermediary mobile device to the third mobile device via**
19 **the second instantaneous network.**

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21 As is apparent from the elements of claim 34 above, **information originates**
22 **at the second mobile device and is provided to the third mobile device. The**
23 **information is passed between the two using an intermediary mobile device.**
24 **According to action [B], information is received at the intermediary mobile**
25 **device from the second mobile device via the first instantaneous network. With**

1 action [D], the first instantaneous network is terminated at least with respect to
2 the second mobile device. After the terminating action [D], a second
3 instantaneous network including at least the intermediary mobile device and a
4 third mobile device is established in accordance with action [E]. After the
5 establishing action [E], the information is sent from the intermediary mobile
6 device to the third mobile device via the second instantaneous network.
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In other words, contrary to Morris et al., the intermediary mobile device of
claim 34 is capable of acting as an intermediary for communications between two
other mobile devices of different instantaneous networks even when the two different
instantaneous networks do not exist simultaneously.
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13 It is noted that the other art of record fails to overcome these deficiencies of
14 Morris et al. with respect to the pending claims.
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1 III. Thus, no art of record, either alone or in any combination, anticipates
2 or renders obvious at least the following elements in conjunction with the other
3 elements of their respective claims:

4 **Claim 1: wherein the first mobile device is not part of the at least one**
5 **instantaneous network previously established between the first**
6 **mobile device and the one or more third devices during the**
7 **establishing and the sending.**

8 **Claim 16: wherein the first device is not part of the at least one**
9 **instantaneous network previously established between the first**
10 **device and the one or more third devices during the establishing,**
11 **the exchanging, and the sending.**

12 **Claim 28: wherein the device is not part of the at least one instantaneous**
13 **network previously established between the device and the one or**
14 **more third devices when the first information is sent from the**
15 **structure stored in the memory or when the second information is**
16 **received from the second device.**

17 **Claim 33: permitting the first ad hoc network to dissipate at least with**
18 **respect to the intermediary mobile device . . . establishing, after**
19 **the permitting, a second ad hoc network including at least the**
20 **intermediary mobile device and the second mobile device.**

21 **Claim 34: terminating the first instantaneous network at least with**
22 **respect to the second mobile device . . . establishing, after the**
23 **terminating action, a second instantaneous network including at**
24 **least the intermediary mobile device and a third mobile device . . .**
25 **sending, after the establishing action, the information from the**

1 **intermediary mobile device to the third mobile device via the**
2 **second instantaneous network.**

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5 Reasons for the allowability of independent claims 1, 16, 28, and 34 have
6 been provided above. Claims 2-15, 17-27, 29-32, and 35-39 depend from
7 independent claims 1, 16, 28, and 34, respectively. Although each dependent
8 claim also includes additional element(s) militating toward allowability, they are
9 allowable at least for the reasons given above in connection with their respective
10 independent claims.

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CONCLUSION

It is respectfully submitted that all pending claims 1-39 are allowable.
Applicants respectfully request reconsideration and allowance of the instant Application. Furthermore, if any issues remain that preclude allowance and/or issuance of this Application, the Examiner is requested to contact the undersigned attorney before issuing a subsequent Office Action.

Respectfully submitted,

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